

EXHIBIT B

Redacted Version of Document Sought to Be Sealed

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

CHASOM BROWN, MONIQUE
TRUJILLO, WILLIAM BYATT, JEREMY
DAVIS, and CHRISTOPHER CASTILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-YGR-SVK

**DEFENDANT’S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFFS’
INTERROGATORIES SET 9 (NO. 35)**

Pursuant to Federal Rule of Civil Procedure 33, Defendant Google LLC ("Google") hereby provides supplemental responses and objections to Plaintiffs' Interrogatories, Set 9 (No. 35). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Google's knowledge, investigations, and analysis to date. As discovery proceeds, Google may become aware of additional facts or evidence and its analysis of the case may change. Google reserves all rights to supplement and amend its objections and responses accordingly.

GENERAL OBJECTIONS

1. Google objects to Plaintiffs' Definitions, Instructions, and interrogatories to the extent they seek information and/or records that are not reasonably accessible and whose inclusion is not proportional to the needs of the case.

2. Google objects to the definition of “browser” as vague and ambiguous to the extent it draws a distinction between “web-based browsers” and “app browsers.” All browsers are, by

1 definition, web-based and require software to be run on a device, whether that device is a desktop
2 computer or a mobile device. Google will understand the term “browser” as referring to application
3 software that contains a graphical user interface for displaying and navigating between web pages.

4 3. Google objects to the definition of “browsing data” as overly broad and unduly
5 burdensome because it combines information pertaining to specific website visits (*e.g.*, “HTTP
6 request,” “hostname”) with basic information about the browser (*e.g.*, “browser type,” “language”).
7 Google further objects to the definition of “browsing data” as vague and ambiguous due to the
8 inclusion of “‘fingerprint’ data (as described in paragraphs 100-104).” Paragraphs 100-104 of the
9 Complaint describes “images, pixels, or fonts”—that is neither “fingerprint data” nor data Google
10 uses to fingerprint users. Google further objects to the definition of “browsing data” as vague and
11 ambiguous due to the inclusion of “geolocation data.” Google will treat “geolocation data” as
12 referring to precise latitude and longitude information that is collected from a mobile device.
13

14 4. Google objects to the interrogatories to the extent that they seek information shielded
15 from disclosure by the attorney-client privilege, the work-product doctrine, the settlement privilege
16 and/or any other applicable privilege or protection from discovery.
17

18 5. Google objects to Plaintiffs’ Definitions, Instructions, and interrogatories to the extent
19 they conflict with or encompass information and/or records falling outside the scope of discovery
20 under the Federal Rules of Civil Procedure, the local rules of the Northern District of California, or
21 any discovery orders governing this case.
22

23 6. Google’s responses to these interrogatories are hereby made without waiving or
24 intending to waive, but rather, to the contrary, by preserving and intending to preserve:

- 25 a. All questions as to the competence, relevance, proportionality, materiality, and
26 admissibility as evidence for any purpose of the information or documents, or the
27
28

subject matter thereof, in any aspect of this action or any other court action or judicial or administrative proceeding or investigation;

b. The right to object on any ground to the use of any such information or documents, or the subject matter thereof, in any aspect of this action or any other court action or judicial or administrative proceeding or investigation;

c. The right to object at any time in connection with any further response to these or any other interrogatories; and

d. The right at any time to supplement its responses.

7. Google anticipates that future discovery, independent investigation, or analysis will supply additional facts and add meaning to known facts, as well as establish new factual conclusions and legal contentions, all of which may lead to additions to, changes in, and variations from the responses set forth herein. Google reserves the right to modify, supplement, withdraw, or otherwise alter its responses to these interrogatories in accordance with the Federal Rules of Civil Procedure, the local rules of the Northern District of California, or any discovery orders governing this case.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 35:

Aside from Google's mid-2020 "log analysis of Chrome Incognito" (e.g., GOOG-CABR-05280756), please describe in detail any other log-based analysis of Chrome Incognito that Google conducted, including the data sources involved and the results of any such analysis.

RESPONSE TO INTERROGATORY NO. 35:

Google incorporates its General Objections as if set forth fully herein. Google further objects to this interrogatory as it mischaracterizes the cited document and an analysis performed by a small number of Google employees for a specific purpose. Google further objects to this interrogatory as vague and ambiguous as to the phrase "any other log-based analysis of Chrome Incognito that

Google conducted,” which is neither self-evident nor defined. As written, this undefined phrase is unintelligible, overly broad, and unduly burdensome because it does not explain, *inter alia*, what constitutes “log-based analysis” or how any such analysis would need to relate to Incognito mode on the Chrome browser in order to be responsive to this request. For the purposes of this response, Google understands this phrase to refer to other analyses employing the methodology for estimating or inferring certain Incognito aggregate usage metrics described in GOOG-CABR-05280756, as applied to Ad Manager. Google further objects to this interrogatory to the extent it is tailored to seek information protected by the attorney-client privilege, the work product doctrine, or the common interest doctrine, or that is otherwise privileged or protected from discovery.

Subject to and without waiving the foregoing objections, Google responds as follows:

Google has not identified information responsive to this interrogatory after conducting a reasonable search.

MAY 12, 2022 SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 35:

Google incorporates its prior responses and objections to this interrogatory as if set forth fully herein. Subject to and without waiving the foregoing objections, Google further responds as follows:

In May 2020, as a continuation of the work related to the Chromeguard analysis referenced by the Interrogatory, the Ads Identity team was asked to estimate percentages of traffic that blocked third-party cookies by default—for example, Apple Safari and Chrome Incognito. The purpose of this exercise was to monitor changes in cookieless traffic over time. The percentage of traffic did not need to be accurate or precise for this exercise.

Engineers Bert Leung and Mandy Liu were tasked with developing a monitoring dashboard for third-party cookieless traffic from major browsers. To monitor traffic and trends on the dashboard, the team coded a new boolean field:

[REDACTED]

1 [REDACTED]

2 [REDACTED] This field was designed based on a prior project related to Chromeguard initiated in 2019,

3 which included Google's mid-2020 "log analysis of Chrome Incognito" (e.g., GOOG-CABR-

4 05280756). [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] Bert Leung and Mandy Liu implemented the same heuristic method in the

8 boolean field named

9 [REDACTED]

10 [REDACTED] The value of this field is a binary unit or "bit," a binary digit with only two possible

11 values. The

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] bit only indicates whether it is "true" or "false" that traffic was received with a Chrome user-

15 agent and without an X-Client-Data header. The bit cannot identify any additional information,

16 including the identities of individual users browsing in Incognito mode.

17 The following are Google logs where the Boolean field has been implemented:

18	[REDACTED]
19	[REDACTED]
20	[REDACTED]
21	[REDACTED]
22	[REDACTED]
23	[REDACTED]
24	[REDACTED]
25	[REDACTED]
26	[REDACTED]
27	[REDACTED]
28	[REDACTED]

CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

1	[REDACTED]
2	[REDACTED]
3	[REDACTED]
4	[REDACTED]
5	[REDACTED]
6	[REDACTED]
7	[REDACTED]
8	[REDACTED]
9	[REDACTED]
10	[REDACTED]
11	[REDACTED]
12	[REDACTED]
13	[REDACTED]
14	[REDACTED]
15	[REDACTED]
16	[REDACTED]
17	[REDACTED]
18	[REDACTED]

19

20 Separately, in 2017, Google’s [REDACTED] Team, which works on geolocation information,

21 created bits named “is_chrome_incognito” and “is_chrome_non_incognito_mode”. These two

22 fields also consist of only a “true” or “false” boolean value and were used for an aggregate analysis

23 that concluded in 2018; however data can be filtered based on the bit in an existing dashboard. The

24 “is_chrome_incognito” bit is derived directly from the “is_chrome_non_incognito_mode” bit and a

25 user agent check. Both bits were created by a team improving geolocation information related to

26 Google’s Search engine and stored in logs managed by that team (“[REDACTED] logs”). Like the

27 “maybe_chrome_incognito” bit, neither of these bits is a reliable or accurate means to identify

28

individual users. They are premised on the same heuristic method as the “maybe_chrome_incognito” bit—the absence of the X-Client-Data header and a user-agent check. The [REDACTED] Team has not used these bits to identify specific Incognito users. The bits are stored in the following logs:

“is_chrome_non_incognito” (no GAIA)
[REDACTED]
[REDACTED]
[REDACTED]

“is_chrome_incognito” (Zwieback or obfuscated GAIA)
[REDACTED]
[REDACTED]

QUINN EMANUEL URQUHART & SULLIVAN, LLP

DATED: May 12, 2022

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PROOF OF SERVICE

NEW YORK, NEW YORK

At the time of service, I was over 18 years of age and not a party to this action. I am employed in New York, NY. My business address is 51 Madison Avenue, 22nd Floor, New York, NY.

On May 12, 2022, I served true copies of the following document(s) described as **DEFENDANT'S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO PLAINTIFFS' INTERROGATORIES SET 9 (NO. 35)** on the interested parties in this action as follows:

SEE ATTACHED LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I transmitted PDF format copies of the document(s) described above to the e-mail addresses on the attached Service List pursuant to the agreement between the parties to serve discovery, in lieu of other service methods, by email under Fed. R. Civ. P. 5(b)(2)(E) (*see* Joint Case Management Statement § 8.b, Docket No. 44) and on non-parties pursuant to the Court's August 12, 2021 Cross-use and Discovery Coordination Orders issued in *Brown v. Google*, Case No. 5:20-cv-03664-LHK-SVK (Dkt. 243) and *Calhoun v. Google*, Case No.: 5:20-cv-05146-LHK-SVK (Dkt. 263). The documents were transmitted by electronic transmission and such transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 12, 2022 at Hoboken, NJ.

/s/ D. Seth Fortenbery

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SERVICE LIST

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Case No. 5:20-cv-03664-LHK-SVK

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